

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ORDER

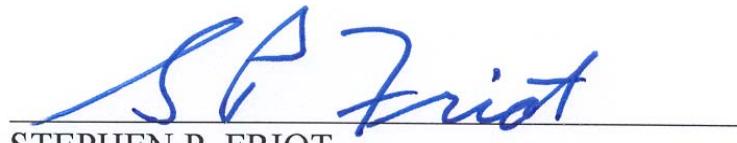
On June 8, 2009, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation, wherein he recommended that plaintiff's civil rights action pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), be dismissed without prejudice. Magistrate Judge Purcell advised plaintiff of his right to file an objection to the Report and Recommendation by June 29, 2009, and that failure to timely object to the Report and Recommendation would waive appellate review of the recommended ruling.

To date, plaintiff has not objected to the Report and Recommendation. The court file reflects that the Report and Recommendation was returned undeliverable on July 7, 2009. LCvR 5.4(a) requires *pro se* litigants, such as plaintiff, to notify the court of any change of address by filing a change of address form. The rule also provides that papers sent by the court will be deemed delivered if sent to the last known address given to the court. The Report and Recommendation was sent to plaintiff's last known address. Because the Report and Recommendation is deemed delivered and plaintiff has failed to object to the Report and Recommendation within

the time prescribed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on June 8, 2009 (doc. no. 9) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Plaintiff's civil rights action pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971) is **DISMISSED WITHOUT PREJUDICE**.

DATED July 10, 2009.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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